

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-cv-23646-BLOOM

MATTHEW ALEXANDER MCGOWAN,

Plaintiff,

v.

LAUREN DAWSON ET. AL.,

Defendants.

\_\_\_\_\_ /

**ORDER ON MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS***

THIS CAUSE is before the Court upon Plaintiff Matthew Alexander McGowan's Application to Proceed Without Prepayment of Fees and Affidavit, ECF No. [9] ("Application"), filed on January 23, 2023. Because the Court has dismissed this case and Plaintiff has filed a Notice of Appeal, ECF No. [6], the Court construes Plaintiff's Application to be a Motion for Leave to Appeal *In Forma Pauperis*. The Court has carefully reviewed the Application, the record in this case, the applicable law, and is otherwise fully advised. For the reasons set forth below, the Application is denied.

"Applications to appeal in forma pauperis are governed by 28 U.S.C. § 1915 and Federal Rule of Appellate Procedure 24." *Woodson v. Sec'y Dep't of Corr.*, No. 02-21921-Civ, 2020 WL 5819808, at \*2 (S.D. Fla. Sept. 29, 2020). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard." *Ghee v. Retailers Nat'l Bank*, 271 F. App'x 858, 859 (11th Cir. 2008). "An appeal filed in forma pauperis is frivolous when it appears the plaintiff has little or no chance of success, meaning that the factual allegations are clearly baseless or that the legal

theories are indisputably meritless.” *Daniels v. Florida*, No. 19-62464-Civ, 2019 WL 8888208, at \*1 (S.D. Fla. Dec. 5, 2019) (quotation marks omitted).

On November 7, 2022, Plaintiff initiated this case with a Complaint filed under 42 U.S.C. § 1985(3), alleging that two public defenders, two judges, two prosecutors, and two members of the Florida Bar’s Attorney/Consumer Assistance Program had conspired against Plaintiff to violate six of his civil rights. *See generally* ECF No. [1]. On November 15, 2022, the Court dismissed Plaintiff’s Complaint as a shotgun pleading. ECF No. [3]. On December 13, 2022, Plaintiff filed an Amended Complaint, expanding on the allegations within his original Complaint, and asserting that “The Florida Bar and the Eleventh Circuit Judicial Court have worked together to ensure that the [Plaintiff] has no rights[.]” ECF No. [4] at 19. On December 15, 2022, the Court dismissed Plaintiff’s Amended Complaint as another “rambling, largely incomprehensible shotgun pleading that fails ‘to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.’” ECF No. [5] at 1-2 (quoting *Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015)).

The Court concludes that Plaintiff has failed to seek appellate review “of any issue that is not frivolous when examined under an objective standard.” *Ghee*, 271 F. App’x at 859. In his Notice of Appeal, Plaintiff explains that he is appealing due to the undersigned’s Judge’s alleged participation in the conspiracy to deprive him of his rights. ECF No. [6]. That factual allegation is “clearly baseless” and the Court concludes that Plaintiff has “no chance of success” in his appeal of the Court’s dismissal of his Amended Complaint. *Daniels*, 2019 WL 8888208 at \*1. The Court therefore finds Plaintiff’s appeal to be frivolous and “certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3).

Accordingly, it is **ORDERED AND ADJUDGED** that the Application, ECF No. [9], is

Case No. 22-cv-23646-BLOOM

**DENIED.**

**DONE AND ORDERED** in Chambers at Miami, Florida, on January 26, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

Counsel of Record

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